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UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON

PAUL SLOWEY,

Plaintiff,

No. 3:09-cv-5162

vs.

EQUIFAX INFORMATION SERVICES, LLC
et al,

Defendants.

DEFENDANT EQUIFAX
INFORMATION SERVICES, LLC'S
ANSWER AND DEFENSES TO
PLAINTIFF'S COMPLAINT

COMES NOW, Defendant Equifax Information Services LLC ("Equifax"),
successor in interest to Equifax Credit Information Services Inc., by and through
its Counsel, and pursuant to Fed. R. Civ. P. 8 and 12, hereby files its answer and
defenses to Plaintiff's Complaint as follows:

1. Equifax is without knowledge or information sufficient to form
a belief as to the truth of the allegations contained in Paragraph 1 of Plaintiff's
Complaint.

DEFENDANT EQUIFAX INFORMATION
SERVICES, LLC'S ANSWER AND DEFENSES TO
PLAINTIFF'S COMPLAINT – Page 1
(CASE # 3:09-cv-5162)

Winston & Cashatt
A PROFESSIONAL SERVICE CORPORATION
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1 2. Equifax admits the first sentence of Paragraph 2 of Plaintiff's
2 Complaint. In response to the second sentence of Paragraph 2 of Plaintiff's
3 Complaint, Equifax states that Equifax Information Services LLC is successor in
4 interest to Equifax Credit Information Services Inc. Equifax denies the third
5 sentence of Paragraph 2 of Plaintiff's Complaint and states there is no corporation
6 named Equifax Commercial Services, Inc.
7
8

9 3. Equifax is without knowledge or information sufficient to form
10 a belief as to the truth of the allegations contained in Paragraph 3 of Plaintiff's
11 Complaint.
12

13 4. Equifax is without knowledge or information sufficient to form
14 a belief as to the truth of the allegations contained in Paragraph 4 of Plaintiff's
15 Complaint.
16

17 5. Equifax admits the allegations contained in Paragraph 5 of
18 Plaintiff's Complaint.
19

20 6. Equifax is without knowledge or information sufficient to form
21 a belief as to the truth of the allegations contained in Paragraph 6 of Plaintiff's
22 Complaint.
23
24

1 7. Equifax is without knowledge or information sufficient to form
2 a belief as to the truth of the allegations contained in Paragraph 7 of Plaintiff's
3 Complaint.
4

5 8. Equifax admits it received a dispute from Plaintiff in January
6 2009 and conducted an investigation. Equifax is without knowledge or
7 information sufficient to form a belief as to the truth of the remaining allegations
8 contained in Paragraph 8 of Plaintiff's Complaint.
9

10 9. Equifax denies the allegations contained in Paragraph 9 as they
11 pertain to Equifax. Equifax is without knowledge or information sufficient to form
12 a belief as to the truth of the remaining allegations contained in Paragraph 9 of
13 Plaintiff's Complaint.
14

15 10. Equifax denies the allegations contained in Paragraph 10 of
16 Plaintiff's Complaint.
17

18 11. Equifax denies the allegations contained in Paragraph 11 as
19 they pertain to Equifax. Equifax is without knowledge or information sufficient to
20 form a belief as to the truth of the remaining allegations contained in Paragraph 11
21 of Plaintiff's Complaint.
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1 12. Equifax denies that plaintiff is entitled to any of the relief set
2 forth in Paragraph 12 of Plaintiff's Complaint.

3 13. Equifax denies that plaintiff is entitled to any of the relief set
4 forth in Paragraph 13 of Plaintiff's Complaint.

5
6 **Prayer for Relief**

7 Equifax denies that plaintiff is entitled to the relief sought in this
8 paragraph.

9 Any allegations contained in Plaintiff's Complaint not specifically
10 responded to above are hereby expressly denied.

11
12 **DEFENSES**

13 Without assuming the burden of proof where it otherwise rests with Plaintiff,
14 Defendant Equifax pleads the following defenses to the Complaint:

15 **FIRST DEFENSE**

16 Plaintiff's Complaint fails, in whole or in part, to state a claim against
17 Equifax upon which relief can be granted.

1 **SECOND DEFENSE**

2 Plaintiff's damages, if any, were not caused by Equifax, but by other
3 persons or entities for whom or for which Equifax is not responsible.
4

5 **THIRD DEFENSE**

6 Equifax maintained reasonable procedures to assure maximum
7 possible accuracy in its credit reports.
8

9 **FOURTH DEFENSE**

10 Equifax has complied with the provisions of the Fair Credit Reporting
11 Act in its handling of Plaintiff's credit file, and is entitled to each and every
12 defense afforded to it by that statute.
13

14 **FIFTH DEFENSE**

15 Plaintiff has failed to mitigate his damages, if any.
16

17 **SIXTH DEFENSE**

18 Plaintiff has not alleged any injury in fact.
19

20 **SEVENTH DEFENSE**

21 Plaintiff has not sustained any damages.
22
23
24

1 **EIGHTH DEFENSE**

2 Plaintiff's damages, if any, are caused by his own acts or omissions,
3 or the acts or omissions of third parties other than Equifax.
4

5 **NINTH DEFENSE**

6 Plaintiff's Complaint seeks the imposition of punitive damages.
7 Equifax adopts by reference the defenses, criteria, limitations, standards and
8 constitutional protections mandated or provided by the United States Supreme
9 Court in the following cases: BMW v. Gore, 517 U.S. 559 (1996); Cooper Indus.,
10 Inc. v. Leatherman Tool Group, Inc., 532 U.S. 923 (2001) and State Farm v.
11 Campbell, 538 U.S. 408 (2003).
12
13
14

15 **TENTH DEFENSE**

16 Plaintiff cannot establish the standard of willfulness under the Fair
17 Credit Reporting Act as articulated by the Supreme Court in Safeco Insurance Co.
18 of America v. Burr, 127 S. Ct. 2201 (2007).
19

20 **ELEVENTH DEFENSE**

21 Equifax reserves the right to assert additional defenses that it learns through
22 the course of discovery.
23
24

(2) That Equifax be dismissed as a party to this action;

(4) That Equifax recover such other and additional relief, as the

DATED this 30th day of March, 2009.

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Attorney for Equifax Information Services,
LLC

1 I hereby certify that on March 30, 2009, I electronically filed the foregoing
2 with the Clerk of the Court using the CM/ECF System which will send notification
3 of such filing to the following:
4

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6 Caron, Colven, Robison & Shafton, P.S.
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18 LLC
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